IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1734 OF 2005
IN
FIRST APPEAL NO. 700 OF 2005

AND

CIVIL APPLICATION NO. 1735 OF 2005
IN
FIRST APPEAL NO. 701 OF 2005

AND

CIVIL APPLICATION NO. 1736 OF 2005
IN
FIRST APPEAL NO. 702 OF 2005

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

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Mr.Patil, A.G.P. for the Appellant.

Ms.A.S. Prabhu i/b Mr.N.V. Bandiwadekar for Respondents.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 20TH SEPTEMBER 2005

P.C. :

1. All these three Civil Applications by the State seek the stay of the impugned judgment and award of the Reference Court. The Appeals have been admitted. A reply has been filed in all these three matters by the Respondents. The Respondents are ready to give bank guarantee of United Western Bank Ltd., which is a scheduled bank. They want to withdraw the amount

enhanced by the Reference Court.

2. Mr.Patil, A.G.P. for the Appellant State, has opposed withdrawal of the entire amount. However, considering that this is a land situated in Navi Mumbai area wherein the prices have gone up much more, in our view, there will not be any prejudice to the State if the amounts are allowed to be withdrawn by giving the bank guarantee of the aforesaid bank which will be kept alive till the disposal of the Appeals.

3. In view of the above, since the State has deposited the entire amount, the execution of the judgment and award of the Reference Court will be stayed. The Respondents will be at liberty to withdraw the deposited amount by giving the bank guarantee of the aforesaid bank which will be kept alive till the disposal of the Appeals.

4. All the Civil Applications stand disposed of with the above order.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)